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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation;
ORACLE AMERICA, INC.; a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**JOINT MOTION FOR LEAVE TO
FILE ADDITIONAL PAGES (L.R.
7-3)**

Pursuant to this Court's June 13, 2019 order imposing page limits on filings, ECF No. 1230 (the "Page Limit Order"), and Local Rule 7-3(c), Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively "Oracle"), and Defendant Rimini Street, Inc., jointly request that the Court permit Oracle up to 2,000 pages of exhibits to its motion for attorneys' fees and costs and a reciprocal number of pages for Rimini's response.¹

ORACLE'S POSITION

Good cause supports this request for extra pages. The Court has directed Oracle to submit briefing regarding its claim for attorneys' fees and costs. ECF No. 1548 at 55. To support such a claim, Oracle is required to submit billing records. *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1202 (9th Cir. 2013) ("to determine whether attorneys for the prevailing party could have reasonably billed the hours they claim to their private clients, the district court should begin with the billing records the prevailing party has submitted."). Indeed, the Court has specifically ordered Oracle to "thoroughly describe and substantiate its claim for fees and costs related to bringing Rimini's contemptuous behavior to the Court's attention." ECF 1548 at 55.

Here, the records to support a request for fees are understandably voluminous given years of contentious litigation. Oracle reasonably believes that the total number of pages required for this motion may reach 2,000 (although Oracle will of course work to submit a more abbreviated collection of exhibits to the extent possible). The number of pages requested is consistent with the prior motion for fees and costs in this case. The fee motion following the *Rimini I* jury trial, which occurred after approximately five years of litigation, included 4,837 pages of supporting documentation. ECF No. 922-925. Here, there was a three-year discovery period, as well as a trial lasting 7 court days (as opposed to 16 court days for the *Rimini I* jury trial), but Oracle seeks leave for approximately 2,000 exhibit pages.

For all these reasons, good cause exists to relieve Oracle of the exhibit page limit set by the court in ECF No. 1230. The filing is evidentiary material supporting argument mandated by

¹ Under the Page Limit Order and Local Rule 7-3(b), Oracle is currently limited to filing a 24-page motion with 100 pages of supporting exhibits. Rimini is limited to a 24-page opposition and 100 pages of supporting exhibits.

1 this Court's order. While the evidence is voluminous, it is warranted to support Oracle's
2 upcoming motion for fees and costs. The submission will be smaller in size than the prior fee
3 motion in this action, also covering a hotly litigated case spanning multiple years. Accordingly,
4 Oracle's motion for additional pages should be granted. Further, Oracle does not object to
5 Rimini's request for a reciprocal number of pages.

6 **RIMINI'S POSITION**

7 Rimini takes no position on whether Oracle should be allowed 2,000 pages of exhibits, but
8 simply requests that, if Oracle's request is granted, Rimini be allowed the same number of pages
9 as Oracle.

10 Good cause supports Rimini's request for parity. In the event that Oracle submits 2,000
11 pages of exhibits, based on prior fees briefing in this litigation, Rimini anticipates that it will need
12 to submit evidence challenging the accuracy and reasonableness of Oracle's fees request. *See Gates*
13 *v. Gomez*, 60 F.3d 525, 534–35 (9th Cir. 1995) (party opposing fee application may submit
14 “evidence to the district court challenging the accuracy and reasonableness of the hours charged or
15 the facts asserted by the” party seeking fees). While Rimini hopes that it will not be necessary to
16 submit anywhere near 2,000 pages of exhibits to counter Oracle's submission, Rimini cannot know
17 that until Oracle files its motion.

18 Based on Oracle's representations that it intends to submit “three years” of litigation
19 invoices (apparently including expert and e-discovery vendor invoices), it appears that Oracle will
20 seek to recover fees and costs that Rimini contends are not recoverable, including fees and costs
21 incurred regarding issues on which Oracle did not prevail. To the extent Oracle submits extensive
22 invoices, Rimini likely will need to submit exhibits annotating, categorizing, and analyzing those
23 invoices (and entries within those invoices) to show why they are for unrecoverable costs, relate to
24 issues that Oracle did not prevail on, or are otherwise not reasonable. This evidence will assist the
25 Court in reviewing Oracle's voluminous invoices. For example, in support of its prior fees briefing,
26 Oracle submitted its invoices with individual redactions of certain time entries, but then the
27 summary page of those invoices included a “total” that included fees for redacted time entries. This
28 made it difficult to analyze total fees requested by month or timekeeper. Rimini therefore

1 summarized and organized Oracle's invoices for the benefit of the Court, and these summaries
 2 exposed mathematical mistakes and other errors in Oracle's request, some of which Oracle admitted
 3 and corrected in response to Rimini's opposition filing.

4 Likewise, Rimini anticipates that Oracle will submit substantial non-invoice evidence in
 5 support of its fee request, such as expert reports. Indeed, in support of its request for additional
 6 pages, Oracle stated to Rimini that "*the majority* of documents will be invoices, *e.g.*, law firm
 7 invoices, expert invoices, ESI, print, and other service vendor invoices, etc." (Emphasis added.)
 8 Rimini will therefore need a reciprocal number of pages to respond to Oracle's non-invoice
 9 evidence (*e.g.*, expert reports) with evidence of its own.

10 For these reasons, Rimini respectfully requests that if Oracle's motion for additional pages
 11 is granted, the Court likewise grant the same permission to Rimini.

12 **CONCLUSION**

13 For the foregoing reasons, the Court should permit the parties up to 2,000 additional exhibit
 14 pages each for the upcoming briefing on fees and costs.

15 DATED: February 2, 2022

MORGAN, LEWIS & BOCKIUS LLP

17 By: /s/ Benjamin P. Smith
 18 Benjamin P. Smith

19 *Attorneys for Plaintiffs Oracle USA, Inc., Oracle America,*
 20 *Inc. and Oracle International Corporation*

21 GIBSON, DUNN & CRUTCHER LLP

22 By: /s/ Eric D. Vandavelde
 23 Eric D. Vandavelde

24 *Attorneys for Defendants Rimini Street, Inc., and Seth Ravin*

ATTESTATION OF FILER

The signatories to this document are Eric D. Vandavelde and I, and I have obtained his concurrence to file this document on his behalf.

Dated: February 2, 2022

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Benjamin P. Smith
Benjamin P. Smith

Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corp.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation;
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Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

[PROPOSED] ORDER

Upon consideration of Oracle's **Motion for Leave to File Additional Pages** and for good
cause shown,

IT IS ORDERED that the request is GRANTED. Each Party may attach up to 2,000
pages of evidentiary exhibits in their submissions relating to Oracle's upcoming motion for
Attorneys' Fees and Costs.

DATED:

By: _____

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, I electronically transmitted the foregoing **MOTION FOR LEAVE TO FILE ADDITIONAL PAGES** and **[PROPOSED] ORDER** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

MORGAN, LEWIS & BOCKIUS LLP

DATED: February 2, 2022

By: /s/ Benjamin P. Smith
Benjamin P. Smith

*Attorneys for Plaintiffs Oracle USA, Inc., Oracle
America, Inc. and Oracle International
Corporation*